

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ORDER

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case (ECF No. 52). Plaintiffs filed objections (ECF No. 58). Defendants subsequently filed a response (ECF No. 59) to which the Plaintiffs replied (ECF No. 60). The Court has conducted a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The Court finds that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are correct.

In addition, the Court finds that Plaintiff Cindy Guarisco's relationship with the Defendants was governed by the Broker Application Agreement ("BAA"), the Sales Director Agreement ("SDA"), and the AmeriPlan Corporate Broker Policies and Procedures Manual ("PPM"). Because Guarisco had signed a BAA, which included a provision that she would be bound by the PPM,

Guarisco was bound by the arbitration provision in the revised PPM like the other plaintiffs even though the language in her SDA was slightly different. Defs.' Mot. to Compel Br. Ex. 1 (BAA & Excerpts of Guarisco's Dep.), at App. 2-3, 5, 13-14, ECF No. 37-1. Accordingly, Plaintiffs' objections are **OVERRULED**, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge as the findings of the Court.

SO ORDERED on this **30th day of July, 2013**.



Reed O'Connor
UNITED STATES DISTRICT JUDGE